

IN THE UNITED STATES BANKRUPTCY COURT FOR THE MIDDLE DISTRICT OF TENNESSEE

IN RE:)
)
WILLIAM & JILL GREER) CHAPTER: 13
SSN: XXX-XX-9856; XXX-XX-7477) CASE NO.: 14-09998
610 WEATHERBEATEN PLACE) JUDGE: MASHBURN
HERMITAGE TN 37076-1342)
)
Debtors)

EXPEDITED MOTION TO SET ASIDE ORDER DISMISSING CHAPTER 13 CASE

COME the Debtors, through counsel, Rothschild & Ausbrooks, PLLC, and pursuant to Fed. R. Bankr. P. 9023, LBR 9024-1, and LBR 9075-1 move to set aside the Order Dismissing Chapter 13 Case entered on October 21, 2015.

In support of this motion, the Debtors would state as follows:

1. Expedited Relief Requested: The Debtors request that the dismissal of their case be set aside on the grounds that the Debtor's payments were scheduled on a weekly basis and he is paid on a bi-weekly basis. Therefore, the Debtors remitted only \$2,115.00 to the Trustee during the month of October, 2015, when in fact they should have remitted a total of \$2,291.25. The Debtors have acknowledged the issue and would request an amended payroll deduction Order be issued for \$1,057.50 bi-weekly in order to avoid this issue in the future. The Debtors further request that the Dismissal Order entered on October 21, 2015, be set aside as their plan provides for one hundred percent (100%) repayment to their creditors and they wish to successfully complete this case.

2. Reason for Urgency: The Debtors request this matter be heard on an expedited basis because they are currently without protection from their creditors, and filing this motion in the ordinary course would delay the reinstatement of the automatic stay, thereby jeopardizing their ability to successfully reorganize and receive a discharge of their debts.

3. Notice: To satisfy LBR 9075-1(d), Debtors' counsel will send a copy of this motion and any subsequent Expedited Order to the Chapter 13 Trustee and the United States Trustee via electronic service through the ECF Filing System, and Debtors' counsel will further give notice by first class mail to all other parties-in-interest to this case to comply with Fed. R. Bankr. P. 7004, as incorporated through Fed. R. Bankr. P. 9014. After noticing the above parties with the motion and subsequent Order setting a hearing, Debtors' counsel will file a Certificate of Service evidencing such.

4. Suggested Hearing Dates and Response Time: The Debtors propose that the expedited motion be set for hearing on Wednesday, November 4, 2015, at 8:30 a.m. in Courtroom 1, 2nd Floor, Customs House, 701 Broadway, Nashville, TN 37203. The Debtors further propose that, if any party-in-interest files a written objection within twenty-one (21) days following entry of an Order granting this motion, such objection would be treated as a motion to reconsider and set for hearing on a future date.

WHEREFORE, Debtors pray that the Order Dismissing Case of October 21, 2015, be conditionally set aside with a twenty-one (21) day response deadline to follow.

Respectfully submitted,

/s/ Mary Beth Ausbrooks

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